

2014 AUG -6 A 10: 29

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

1
2 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

3 **TOOL BELT HANDYMAN SERVICES, A**
4 **DISSOLVED OREGON CORPORATION**

)
) **CASE NO. C2014-0002**

5 **RESPONDENT**
_____)

6 The Building Codes Division (BCD) conducted an investigation on behalf of the State
7 Plumbing Board (Board) and determined that Respondent violated certain provisions of the
8 Oregon Building Codes statutes.

9 Respondent and the Board prefer to settle this matter informally by the entry of this
10 consent order. Respondent understands that it has the right to a hearing under the Administrative
11 Procedures Act (chapter 183, Oregon Revised Statutes), and fully and finally waives the right to
12 a contested case hearing and any appeal therefrom by the signing and entry of this order in the
13 Board's record. Respondent agrees to conduct all future business in compliance with the
14 applicable statutes, administrative rules, and specialty codes. Respondent understands that, once
15 final, this order is a public record.

12 **FINDINGS OF FACT**

- 13 1. During or about the period of June 2013, at 52079 SE 8th Court, Scappoose, Oregon,
- 14 Respondent engaged in the business of installing sinks and faucet, for the account of
- 15 another, without an Oregon plumbing contractor license.
- 16 2. Respondent permitted or suffered an unlicensed individual, Calvin Ocker, to install sinks
- 17 and faucets at 52079 SE 8th Court, Scappoose, Oregon, without a valid journeyman
- 18 plumber license.
- 19 3. Respondent repaid the homeowner \$500.

18 **WHAT THE LAW SAYS**

- 19 1. Oregon Revised Statutes (ORS) 447.010(6) defines plumbing to include the art of
- 20 installing, altering or repairing in or adjacent to or serving building pipes, fixtures and
- 21 other apparatus for bringing in the water supply and removing liquid and water-carried
- 22 waste, including the water supply distributing pipes.
- 23 2. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
- 24 purport to be a plumbing contractor, and a member or employee of a firm, partnership or
- 25 corporation may not engage in the business of layout or superintending of plumbing
- installations, without having obtained the plumbing contractor license required under

1 ORS 447.010 to 447.156.¹

- 2 3. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
without a journeyman plumber license.
- 3 4. Under ORS 693.030(2)(a), a licensed plumbing contractor, or a person required to be
4 licensed under ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not
5 permit or suffer any person to work as a journeyman plumber who does not hold a valid
journeyman plumber license.

6 **CONCLUSIONS OF LAW**

- 7 1. Installing sinks and faucets is plumbing as defined in ORS 447.010(6).
- 8 2. By engaging in the business of making a plumbing installation for the account of another
without an Oregon plumbing contractor's license, Respondent violated ORS 447.040(1).
- 9 3. By permitting or suffering an unlicensed individual, Calvin Ocker, to make the plumbing
10 installations at 52079 SE 8th Court, Scappoose, Oregon, without a valid journeyman
11 plumber license, Respondent violated ORS 693.030(2)(a).

12 **SETTLEMENT AGREEMENT**

13 Respondent and the State Plumbing Board agree to resolve this matter without a hearing
with the entry of this consent order subject to the following terms and conditions:

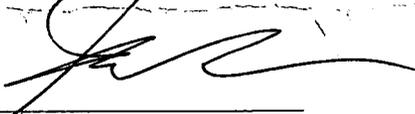
- 14 1. The Board hereby assesses a civil penalty of \$5,000 for violating ORS 447.040(1) and
15 ORS 693.030(2)(a), of which \$3,500 will be suspended for a period of five years under
the following terms:
- 16 1.1 Respondent agrees to pay the remaining \$1,500 of the civil penalty.
17 *(The invoice will be included with the copy of the Final Order after it is signed
by the Board.)*
- 18 1.1. Respondent agrees to pay \$250 postmarked by the 25th day of each month once
19 the consent order becomes final; for six (6) months. As long as the payments
remain timely, there shall be no interest added to Respondent's balance.
- 20 1.2. If Respondent fails to make a payment or otherwise defaults on any term of this
21 Settlement Agreement, including failure to make a timely monthly payment, the
22 case will be turned over to the Department of Consumer and Business Services
collections department for collection of the entire \$5,000 civil penalty, along with
interest and applicable fees.
- 23 2. Respondent agrees if a final order is issued by a board or the Director finding Respondent
24 violated any of Building Codes Division's statutes or rules within five years from the date

25 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 a single instance.

1 this order was signed by the Board, then Respondent will pay any subsequent penalty and
the suspended penalty from this order.

- 2 3. Respondent agrees not to commit further violations of Building Codes Division's statutes
3 or rules.
- 4 4. Respondent understands that if it fails to comply with any of the terms of this settlement
5 agreement, then the entire civil penalty, including the amount suspended, will be
6 immediately due and payable. Failure to comply includes failure to pay the civil penalty
amount on the Final Demand Notice by the due date, or failure to make payments
according to the terms of any payment arrangement or Final Demand Notice.
- 7 5. Respondent understands and agrees any violation of the terms of this consent order will
8 result in further enforcement action.
- 9 6. Respondent understands and agrees that any violations of Building Code Division's
10 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.
- 11 7. Respondent understands the suspended civil penalty will be waived five years after the
12 execution of this consent order, provided Respondent complies with its terms and has not
committed any further violations of Building Codes Division's statutes or rules.
- 13 8. Respondent has read and fully understands the terms of this consent order, freely and
14 voluntarily consents to the entry of this order without further hearing, without any force
or duress, and expressly waives all rights to a hearing or appeal in this matter.
- 15 9. Respondent understands that, upon the signature of all parties, this consent order will be a
16 FINAL ORDER.
- 17 10. Respondent further agrees by signing this consent order that he is the Respondent or
authorized representative for the Respondent in this matter.

18 **FOR THE RESPONDENT**

19 

Date: 8/4/14, 2014

20 Steve Chase
21 Tool Belt Handyman Services, Inc.

22 **FOR THE BOARD**

23  for

Date: 8-6-14, 2014

24 Chair
25 State Plumbing Board
State of Oregon