

1 5. On or about August 5, 2014, after a notice of proposed assessment of civil penalty was issued,
2 Respondent retained a licensed plumbing contractor and obtained a permit for the installation at
3 130 4th St, Ashland, Oregon. That installation passed final inspection on August 7, 2014.

4 **APPLICABLE LAW**

- 5 1. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing, among other
6 things, building pipes, fixtures and other apparatus for bringing in the water supply.
- 7 2. Under ORS 693.030(1), a person may not engage in the trade of a journeyman plumber without
8 a journeyman plumber license.
- 9 3. Under OAR 918-785-0200(1)(a), no person shall do plumbing work without first obtaining a
10 plumbing permit and paying the appropriate fees to the authorized permit issuing agency.
- 11 4. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
12 purport to be a plumbing contractor, without having obtained the plumbing contractor license.
- 13 5. Under ORS 479.620(1), a person must have an electrical contractor license to engage in the
14 business of making electrical installations, including advertising or otherwise purporting to be a
15 business that makes electrical installations.¹

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 _____
25 ¹ Pursuant to 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.

CONCLUSIONS OF LAW

1. Installing copper water piping is plumbing as defined by ORS 447.010(6).
2. By engaging in the trade of a journeyman plumber without a journeyman plumber license, Respondent violated ORS 693.030(1).
3. By doing plumbing work without first obtaining a plumbing permit and paying the appropriate fees to the authorized permit issuing agency, Respondent violated OAR 918-785-0200(1)(a).
4. By working as a plumbing contractor, including advertising as a business that makes plumbing installations, without first obtaining a plumbing contractor license, Respondent violated ORS 447.040(1).
5. By advertising as a business that makes electrical installations without first obtaining an electrical contractor license, Respondent violated ORS 479.620(1).

SETTLEMENT AGREEMENT

Respondent and the Boards agree to resolve this matter without a hearing and without judicial review according to the following terms:

1. The Boards hereby assesses a \$9,000 civil penalty for the violations listed above, of which \$7,000 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$2,000 of the civil penalty. *(An invoice will be included with Respondent's copy of the final order after the Board signs it.)*
 - 1.2. Respondent agrees to pay \$170 postmarked by October 25, 2014, with monthly payments in that amount continuing for eleven (11) months, and a final payment of \$130 in the twelfth (12th) month. All payments are due (postmarked) by the 25th day of the month. As long as the payments remain timely, there shall be no interest added to Respondent's balance.
 - 1.3. Respondent understands that a single failure to comply with any of the terms of this Settlement Agreement could result in the entire civil penalty, including the suspended

1 amount, becoming immediately due and payable. Failure to comply includes failure to
2 pay the civil penalty amount by the due date.

- 3 2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in
4 cases against other entities or individuals that rely on the underlying facts in this case.
- 5 3. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
- 6 4. Respondent understands that if Respondent fails to comply with any of the terms of this
7 consent agreement that the entire civil penalty, including the amount suspended, will be
8 immediately due and payable. Failure to comply includes failure to pay the civil penalty
9 amount on the Final Demand Notice by the due date, or failure to make payments according to
10 the terms of any payment arrangement or Final Demand Notice.
- 11 5. Respondent understands and agrees that any violation of the terms of this Consent Order will
12 result in further enforcement action.
- 13 6. Respondent understands and agrees that any violation of the Building Code Division's statutes
14 or rules not alleged in this order, whether committed before or after the execution of this
15 Consent Order, may be the basis for further enforcement action.
- 16 7. Respondent understands that failure to comply with this settlement agreement may result in the
17 denial of future licensing applications and/or suspension of licensing or certification issued by
18 the Division and/or other state agencies.
- 19 8. Respondent understands the suspended civil penalty will be waived five years after the
20 execution of this Consent Order, provided Respondent complies with its terms and has not
21 committed any further violations of Building Code Division's statutes and rules.
- 22 9. Respondent has read and fully understands the terms of this Consent Order, freely and
23 voluntarily consents to the entry of this order without further hearing, without any force or
24 duress, and expressly waives all rights to hearing or appeal in this matter.
- 25

1 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL
2 ORDER.

3 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a
4 FINAL ORDER, it becomes a public document.
5

6 **FOR THE RESPONDENT**

7 
8 _____
John Arnold

Date: 9/10/14

9 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

10  for 
11 Chair
12 Electrical and Elevator Board
13 State of Oregon

Date: 9/16/14

14 **FOR THE STATE PLUMBING BOARD**

15  for 
16 Chair
17 State Plumbing Board
18 State of Oregon

Date: 9/16/14