

2014 DEC 23 A 10:42

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:	)	
	)	CONSENT ORDER
KEYSTONE RENOVATIONS, LLC, A	)	
DOMESTIC LIMITED LIABILITY	)	
CORPORATION	)	
	)	CASE NO. C2014-0110
RESPONDENT	)	

The Building Codes Division (BCD) conducted an investigation on behalf of the State Plumbing Board (Board) and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

Respondent and the Board prefer to settle this matter informally by the entry of this Consent Order. Respondent understands that it has the right to a hearing under the Administrative Procedures Act (chapter 183, Oregon Revised Statutes (ORS)), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing and entry of this order in the Board's record. Respondent agrees to conduct all future business in compliance with the applicable statutes, Oregon Administrative Rules (OAR), and specialty codes. Respondent understands that this order is a public record.

FINDINGS OF FACT

- At all relevant times, Respondent did not possess a plumbing contractor's license.
- During or about the period of April and May 2014, at 5685 SW 90<sup>th</sup> Avenue, Portland, Oregon, Respondent permitted and suffered employee Tracy Krueger to install drain waste and vent piping, and water lines for an upstairs bathroom during a kitchen remodel for the account of another and without first obtaining a plumbing permit.
- At no relevant time had Tracy Krueger possessed a journeyman plumber license.
- The property owner applied for building permit 14002419 with Washington County on March 19, 2014, which received a final plumbing inspection on May 12, 2014.
- Respondent hired a licensed plumbing contractor that corrected all plumbing work completed by Respondent.

APPLICABLE LAW

- ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.

- 1 2. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or  
2 purport to be a plumbing contractor, and a member of employee of a firm, partnership or  
3 corporation may not engage<sup>1</sup> in the layout or superintending of plumbing installations,  
4 without having obtained the plumbing contractor license required under ORS 447.010 to  
5 447.156 as provided by the State Plumbing Board rules adopted under ORS 455.117.
- 6 3. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required to be  
7 licensed as a plumbing contractor may not permit or suffer any person to work as a  
8 journeyman plumber who does not hold a valid journeyman plumber license.
- 9 4. Under OAR 918-785-0200(1)(a)<sup>2</sup>, no person, firm, or corporation shall perform plumbing  
10 without first obtaining a plumbing permit or minor label when required and paying the  
11 appropriate fees to the authorized permit issuing agency.

### 12 CONCLUSIONS OF LAW

- 13 1. Installing drain waste and vent piping, and water lines is plumbing as defined in ORS  
14 447.010(6).
- 15 2. By engaging in the business of plumbing contracting without having obtained a plumbing  
16 contractor license, Respondent violated ORS 447.040(1).
- 17 3. By permitting or suffering Tracy Krueger, who does not hold a valid journeyman plumber  
18 license, to install drain waste and vent piping, and water lines, Respondent violated ORS  
19 693.030(2)(a).
- 20 4. Respondent permitted an employee to perform plumbing without first obtaining a plumbing  
21 permit, thereby violating OAR 918-785-0200(1)(a).

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<sup>1</sup> OAR 918-0300010(8) states that for purposes of ORS 447.040, 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.

<sup>2</sup> Effective October 1, 2014, OAR-785-0200(1)(a) was renumbered to OAR 918-780-0065.

## SETTLEMENT AGREEMENT

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

1. The Director hereby assesses a \$5,000 total civil penalty for violating ORS 447.040(1) and 693.030(2)(a), of which \$4,000 will be suspended for a period of five years under the following terms:
  - 1.1. Respondent agrees to pay the remaining \$1,000 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board Chair signs it.)*
  - 1.2. Respondent agrees to pay \$100 a month for ten (10) months, beginning once the consent order becomes final. The monthly payments must be postmarked by the 25<sup>th</sup> day of each month.
  - 1.3. If Respondent fails to comply with the terms of this settlement agreement, then the case will be turned over to the Department of Consumer and Business Services collections unit for collection of the entire \$5,000 civil penalty, along with interest and applicable fees.
2. Respondent understands that a single failure to comply with any of the terms of this Consent Order could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable.
3. Respondent agrees not to commit violations of the Building Codes 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 Codes 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 Consent Order 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 Codes Division's statutes and rules.
8. Respondent's representative has read and fully understands 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's representative understands that, upon signature of all parties, this Consent Order will be a FINAL ORDER.

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**FOR THE RESPONDENT**

  
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Tracy Krueger, Owner  
Keystone Renovations, LLC

Date: 12-15, 2014

**FOR THE BOARD**

  
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for  
Chair  
State Plumbing Board  
State of Oregon

Date: 12-23, 2014