

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

RANDY M. HAGEDORN, AN INDIVIDUAL

RESPONDENT

NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY AND FINAL
ORDER ON DEFAULT

FINAL ORDER

CASE NO. C2014-0124

As of: September 30, 2014

Under Oregon Revised Statutes (ORS) 455.895(1)(a) and Oregon Administrative Rules (OAR) 918-001-0036, the State Plumbing Board (Board) proposes disciplinary action against Respondent in the form of civil penalties totaling \$6,000 for violations of Building Codes Division statutes or rules as follows:

FINDINGS OF FACT

1. At no relevant time did Respondent possess a plumbing contractor's license.
2. At no relevant time did Respondent possess a journeyman plumber license.
3. On or about May 28 through May 30, 2014, at 35480 E. Division Road, St. Helens, Oregon, Respondent installed water and sewer plumbing lines on commercial property, for the account of another, without holding an Oregon plumbing contractor's license.
4. On or about May 28 through May 30, 2014, at 35480 E. Division Road, St. Helens, Oregon, Respondent installed water and sewer plumbing lines on commercial property, for the account of another, without having an Oregon journeyman plumber license.
5. On or about May 28 through May 30, 2014, at 35480 E. Division Road, St. Helens, Oregon, Respondent installed water and sewer plumbing lines on commercial property, for the account of another, without first obtaining a plumbing permit.

APPLICABLE LAW

1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or adjacent to or serving building pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.
2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license.
3. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, without having obtained the plumbing contractor license.

- 1 4. Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall make plumbing
2 installations without first obtaining a plumbing permit or minor label when required and
3 paying the appropriate fees to the authorized permit issuing agency.

CONCLUSIONS OF LAW

- 4 1. Installing water and sewer lines is plumbing as defined in ORS 447.010(6).
5 2. By engaging in the business of making a plumbing installation on a commercial property
6 at 35480 E. Division Road, St. Helens, Oregon, for the account of another, without a
7 valid Oregon plumbing contractor license, Respondent violated ORS 447.040(1).
8 3. By installing water and sewer lines on commercial property at 35480 E. Division Road,
9 St. Helens, Oregon, for the account of another, without a valid Oregon journeyman
10 plumber license, Respondent violated ORS 693.030(1).
11 4. By installing water and sewer lines on commercial property at 35480 E. Division Road,
12 St. Helens, Oregon, prior to obtaining a plumbing permit, Respondent violated OAR 918-
13 785-0200(1)(a).

ORDER

14 Under ORS 455.895(1)(a) and OAR 918-001-0036, the State Plumbing Board assesses
15 the following:

- 16 1. a \$3,000 civil penalty for violating ORS 447.040(1)
17 2. a \$2,000 civil penalty for violating ORS 693.030(1)
18 3. a \$1,000 civil penalty for violating OAR 918-785-0200(1)(a)

19 The civil penalties assessed total \$6,000.

NOTICE OF RIGHT TO HEARING

20 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
21 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in
22 writing and postmarked no later than 20 days from the service date. If this notice was served to
23 Respondent in person, the service date is the date Respondent received this notice. If this notice
24 was served through the mail, the service date is the day the notice was mailed, not the day
25 Respondent received it.

If a request for hearing is not received within 20 days, Respondent's right to a hearing is
considered waived. Mail hearing requests to Building Codes Division, Enforcement Section,
P.O. Box 14470, Salem, Oregon, 97309.

Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
corporation may be represented by an authorized representative at the hearing. If Respondent
requests a hearing, Respondent will be notified of the time and place of the hearing and be given

1 information on procedures, right of representation and other rights of parties relating to the
2 hearing before it begins.

3 NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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

9 NOTICE OF FINAL ORDER

10 If Respondent does not request a hearing within 20 days, withdraws a hearing request,
11 notifies the Director of the Department of Consumer and Business Services (Director) or the
12 administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the
13 Director will issue a Final Order by Default. If the Director issues a Final Order by Default, it
14 designates the file, including any materials submitted by Respondent that relate to this matter, as
15 the record for purpose of proving a prima facie case.

16 Respondent is entitled to judicial review of any final order issued in the matter of this
17 Notice of a Proposed Assessment of a Civil Penalty. Judicial review may be obtained by filing a
18 petition for review with the Oregon Court of Appeals within 60 days after the Final Order is
19 served. See ORS 183.482. If the order was served in person, the service date is the date
20 Respondent received the order. If the order was served through the mail, the service date is the
21 day the order was mailed, not the day it was received by Respondent. If Respondent does not file
22 a petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone
23 number for the Oregon Court of Appeals is 503-986-5555.

24 Dated this 5th day of September, 2014

25 Roseanne Nelson for
Chair
State Plumbing Board
State of Oregon