

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:)	
)	CONSENT ORDER
STEVE LILLEY, AN INDIVIDUAL,)	
)	
RESPONDENT.)	CASE NO. C2014-0216
)	

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 he 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, once final, this order is a public record.

FINDINGS OF FACT

1. At no relevant time did Respondent hold an Oregon journeyman plumber license.
2. During or about the period December 19, 2013, through January 2, 2014, at 91976 George Hill Road, Astoria, Oregon, Respondent, employed by Columbia Housewarmers (related case C2014-0048), installed a gas water heater for the account of another without an Oregon journeyman plumber's license.

APPLICABLE LAW

1. 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.
2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license.

CONCLUSIONS OF LAW

1. Installing a gas water heater is plumbing as defined in ORS 447.010(6).
2. Respondent engaged in the trade of journeyman plumber by installing a gas water heater without an Oregon journeyman plumber license, in violation of ORS 693.030(1).

SETTLEMENT AGREEMENT

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

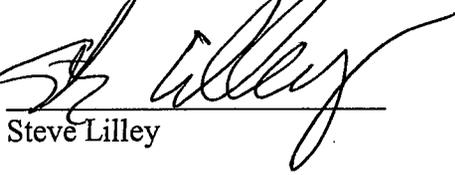
- 1. The Director hereby assesses a \$2,000 total civil penalty for violating ORS 693.030(1), of which \$1,500 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$500 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board Chair signs the order.)*
 - 1.2. Respondent agrees to pay \$75 a month for six (6) months, with a final and 7th payment of \$50. Payments begin the first full month following the month that the consent order becomes a final order. The monthly payments must be postmarked by the 25th 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 \$2,000 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 Stipulated 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.

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- 1 8. Respondent has read and fully understands the terms of this Consent Order, freely and
2 voluntarily consents to the entry of this order without further hearing, without any force or
3 duress, and expressly waives all rights to hearing or appeal in this matter.
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5 9. Respondent understands that, upon signature of all parties, this Consent Order will be a
6 FINAL ORDER.
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8 **FOR THE RESPONDENT**

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12 Steve Lilley

13 Date: 3/10/15, 2015

14 **FOR THE STATE PLUMBING BOARD**

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16 
17 Chair
18 State Plumbing Board
19 State of Oregon

20 Date: 2/24/, 2015