

FINAL ORDER

As of: October 29, 2014

BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES OF THE STATE OF OREGON

<p>IN THE MATTER OF:</p> <p>ROBERT E. LIVESAY, AN INDIVIDUAL</p> <p style="text-align: center;">RESPONDENT</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>NOTICE OF INTENT TO SUSPEND</p> <p>RESPONDENT'S OREGON JOURNEYMAN</p> <p>PLUMBER LICENSE #9162JP, AND FINAL</p> <p>ORDER ON DEFAULT</p> <p>CASE NO. C2014-0236</p>
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Pursuant to ORS 305.385, the Director of the Oregon Department of Revenue has requested that the Oregon Department of Consumer and Business Services suspend Respondent's Oregon journeyman plumber license #9162JP.

The Director of the Department of Revenue has determined that:

1. Respondent has neglected or refused to file tax return(s) or pay tax;
2. Respondent has not filed a good-faith petition before the Department of Revenue; and,
3. The Department of Revenue has been unable to obtain payment of the tax through other collection methods.

As described below, Respondent is entitled to a hearing in this matter. Unless this matter is resolved, Respondent's Oregon journeyman plumber's license will be suspended pursuant to ORS 305.385(4)(c) and will remain suspended until the Department of Revenue certifies Respondent is in good standing.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and filed with the Building Codes Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If this Notice was served to Respondent in person, the service date is the date Respondent received this

1 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
2 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
3 Section, P.O. Box 14470, Salem, Oregon, 97309.

4 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
5 corporation may be represented by an authorized representative at the hearing. If Respondent requests
6 a hearing, Respondent will be notified of the time and place of the hearing and be given information on
7 procedures, right of representation, and other rights of parties relating to the hearing before it begins.

8 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

14 **NOTICE OF FINAL ORDER**

15 If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies
16 the Building Codes Division (Division) or the administrative law judge that they will not appear, or
17 fails to appear at a scheduled hearing, the Division will issue a Final Order by Default. If the Division
18 issues a Final Order by Default, it designates the file, including any materials submitted by Respondent
19 that relate to this matter, as the record for purpose of proving a prima facie case.

20 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of
21 Proposed Assessment of a Civil Penalty and Proposed License Revocation. Judicial review may be
22 obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final
23 Order is served. See ORS 183.482. If the Order was served in person, the service date is the date
24 Respondent received the Order. If the Order was served through the mail, the service date is the day
25 the Order was mailed, not the day it was received by Respondent. If Respondent does not file a petition

1 for judicial review within 60 days, Respondent will lose the right to appeal. The phone number for the
2 Oregon Court of Appeals is 503-986-5555.

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Dated this 3 day of October, 2014

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Director

Department of Consumer and Business Services
State of Oregon