

1 **BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

2 **IN THE MATTER OF:**

3 **JOSEPH FRANCIS WALTER,**
4 **ABN COX CREEK PLUMBING,**

5 **RESPONDENT.**

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

)
) **BCD CASE C2014-0260**
)

6
7 Under Oregon Revised Statutes (ORS) 455.895(1)(a) and Oregon Administrative Rules (OAR)
8 918-001-0036, the State Plumbing Board (Board) proposes the assessment of civil penalties against
9 Respondent totaling \$2,000 because Respondent violated Building Codes Division statutes and rules as
10 follows:

11 **FINDINGS OF FACT**

- 12 1. Respondent has held Oregon journeyman plumber license 9061JP since September 23, 2008.
13 On April 1, 2014, journeyman plumber license 9061JP expired and was not renewed.
14 2. At all relevant times, Respondent has operated as Cox Creek Plumbing, which is an Oregon
15 plumbing business that holds license PB763.
16 3. On or about October 23, 2014, at 624 Harding Place, Cottage Grove, Oregon (the subject
17 property), Respondent installed hot and cold water lines as part of the rough-in of the
18 structure's plumbing system for the account of another without a valid journeyman plumber
19 license.¹

20 **APPLICABLE LAW**

- 21 1. Under ORS 447.010(6) plumbing is defined as the art of installing, altering or repairing in or
22 adjacent to or serving buildings including pipes, fixtures, and other apparatus for bringing in
23 the water supply and removing liquid and water-carried waste, including the water supply
24 distributing pipes; fixtures and fixture traps; soil, waste and vent pipes; and storm water

25
¹ Respondent performed the work detailed in this notice under a valid plumbing permit.

FINAL ORDER

As of: April 17, 2015

1 drainage, with their devices, appurtenances and connections.

- 2 2. ORS 693.030(1) states a person may not engage in the trade of journeyman plumber without a
3 journeyman plumber license issued under this chapter.

4 **CONCLUSIONS OF LAW**

- 5 1. Installing hot and cold water lines is plumbing as defined by ORS 447.010(6).
6 2. Making the plumbing installations described Conclusions of Law paragraph 1 above require a
7 journeyman plumber license according to ORS 693.030(1).
8 3. By performing plumbing without a valid journeyman plumber license, Respondent violated
9 ORS 693.030(1).

10 **ORDER**

11 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Board assesses a \$2,000 civil penalty
12 against Respondent for violating ORS 693.030(1).

13 **NOTICE OF RIGHT TO HEARING**

14 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
15 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and
16 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
17 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If
18 this Notice was served to Respondent in person, the service date is the date Respondent received this
19 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
20 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
21 Section, P.O. Box 14470, Salem, Oregon, 97309.

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

