

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

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3
4 **IN THE MATTER OF:**

CONSENT ORDER

5 **DYLAN P. RIEKKOLA,**
6 **AN INDIVIDUAL,**

7 **RESPONDENT.**

BCD CASE C2015-0062

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9 The Building Codes Division (Division) conducted an investigation on behalf of the State
10 Plumbing Board of the State of Oregon (Board) and determined that Dylan P. Riekkola
(Respondent) violated certain provisions of the Division's statutes and administrative rules as
11 identified below.

12 The parties agree to settle this matter without a hearing. Respondent understands that
13 Respondent has the right to a contested case hearing under the Administrative Procedures Act,
Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a
14 hearing and any judicial review therefrom by the signing of this Consent Order.

14 **BACKGROUND**

15 On September 3, 2010, in BCD case number 2009-0260, the Division issued Respondent a
16 warning letter after withdrawing a notice of proposed assessment of a civil penalty for engaging in
the business of a plumbing contractor without holding a valid plumbing contractor license.

17 **FINDINGS OF FACT**

- 18 1. At no relevant time did Respondent hold an Oregon plumbing contractor license.
19 2. Respondent holds journeyman plumber license number 9009JP.
20 3. During or about February 2015, at 427 H Street, Gearhart, Oregon, Respondent moved a
21 shower valve from one wall to another.

22 **APPLICABLE LAW**

- 23 1. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing in or adjacent
24 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.
25 2. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
purport to be a plumbing contractor, and a member or employee of a firm, partnership or

1 corporation may not engage in the layout or superintending of plumbing installations,
2 without having obtained the plumbing contractor license.

- 3 3. Oregon Administrative Rules (OAR) 918-030-0010(8) states that for purposes of ORS
4 447.040, 479.620, 480.630, and any other license regulated by ORS chapter 455, "engaging
5 in the business" means to advertise or solicit, contract or agree to perform, or to perform
6 work for which a license or permit is required under Oregon law, including but not limited
7 to a single instance.

8 CONCLUSIONS OF LAW

- 9 1. Moving a shower valve from one wall to another is plumbing as defined in ORS 447.010(6)
10 2. By engaging in the business of plumbing contracting without having a valid plumbing
11 contractor license, Respondent violated ORS 447.040(1).

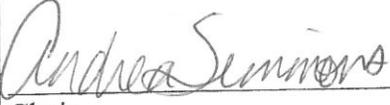
12 ORDER

- 13 3. The Board hereby assesses a total civil penalty of \$3,000 against Respondent for violating
14 ORS 447.040(1) as follows:
- 15 a. \$2,250 of the total civil penalty will be suspended for a period of five years if there is
16 compliance with all other terms of this Consent Order.
 - 17 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
18 payment shall be postmarked no later than July 25, 2015. *(An invoice will be*
19 *included with Respondent's copy of the final order after the Director signs it.)*
20 Payment shall be mailed to Department of Consumer and Business Services,
21 Revenue Services Section, P.O. Box 14610, Salem, OR 97309-0445.
- 22 4. Respondent understands the suspended civil penalty (\$2,250) will be considered satisfied
23 five years after this Consent Order becomes a final order, provided Respondent complies
24 with its terms and has not committed any further violations of the Division's statutes and
25 rules within that five-year period. Respondent understands and agrees that if Respondent
does not comply with the terms of this Consent Order or if Respondent commits any further
violations of the Division's statutes or rules within the five-year period, then the entire civil
penalty, including any suspended amount, will become immediately due and payable.
Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
civil penalty amount due by the due date.
5. Respondent's plumbing contractor license shall be conditioned as follows:
- a. Respondent shall provide the Division with quarterly reports for one year.
 - b. The quarterly reports shall include a list of all jobs worked on during the quarter with
each customer's name and address (including jobs reported in a previous quarter's
report if the job runs longer than one quarter); copies of all invoices from each job;

copies of Respondent's payroll records for each quarter; and copies of all permits issued for each job.

- c. The quarterly reports shall document all work performed in the preceding quarter. The first report shall be postmarked by September 15, 2015, and subsequent reports shall be submitted every three months, postmarked by the fifteenth day of the month they are due.
 - d. The monthly reports shall be e-mailed to BCD.complaint@oregon.gov or mailed to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309-0404.
6. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case. Cooperation may include, but may not be limited to, making sworn statements or testifying in administrative hearings.
 7. Respondent understands and agrees that further enforcement action may be taken for any violation of the Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Consent Order, and/or for any violation of the terms of this Consent Order.
 8. Respondent understands that failure to comply with this Consent Order may be used as a basis for the denial of a future license, certificate, registration, or other application, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.
 9. Respondent understands that this Consent Order is a public record.
 10. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Consent Order without any force or duress, and expressly waives all rights to hearing or judicial review in this matter.
 11. Respondent understands that, upon signature of all parties, this Consent Order will be a final order.

 IT IS SO AGREED THIS 25 DAY OF June, 2015.
Dylan P. Riekkola

 for IT IS SO AGREED THIS 2 DAY OF July, 2015.
Chair,
State Plumbing Board
State of Oregon