

BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CLAY PRUITT JR., AN INDIVIDUAL

RESPONDENT

) CONSENT ORDER

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) CASE NO. 2013-0118

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RECEIVED
BUILDING CODES

The Plumbing Board of the State of Oregon (Board) has conducted an investigation and determined that you violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

The parties wish to settle this matter informally. You agree to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized signatures on this Order, you hereby consent to the entry of this Order and its following terms.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

(1) During all relevant times, you were not licensed in Oregon as a plumbing contractor.

(2) During all relevant times, you held a valid Oregon journeyman plumber's license, number 8689JP.

(3) On or about June 20, 2013, you advertised on the World Wide Web (craigslist.com) as being in the business of performing plumbing installations, in violation of ORS 447.040(1).

(4) On or about June 26, 2013, at 16855 SW Somes Lane, Beaverton, Oregon, you agreed to install a drain pipe and a potable water valve for a dishwasher and garbage disposal for \$50 dollars per hour, in violation of ORS 447.040(1).

(5) The installation of drain pipe and a potable water valve, as described above, is plumbing as defined in ORS 447.010(6).

WHAT THE LAW SAYS

(1) Pursuant to 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 corporation may not engage in the layout or superintendent of plumbing installations, without having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117. ¹

¹ Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit,

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ORDER

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

(1) a \$3,000 civil penalty for violating ORS 447.040(1)

STIPULATED AGREEMENT

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

1. The Board hereby assesses \$3,000 in civil penalties for violation ORS 447.040(1) of which \$2,250 will be suspended for a period of five year under the following terms:
 - 1.1. You agree to pay \$750 of the assessed civil penalties;
 - 1.2. An additional \$500 of the total assessed penalties will be suspended if you are able to pay \$250 by the date on the invoice. **(An invoice will be included with your copy of the Final Order after it is signed by the Board.)**
2. You agree not to commit further violations of the Building Code Division's statutes or rules.
3. You understand that if you fail to comply with any of the terms of this consent agreement that the entire civil penalty, including the amount suspended, will be immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.
4. You understand and agree that any violation of the terms of this Consent Order will result in further enforcement action.
5. You understand and agree that any violation of the Building Code 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. You understand the suspended civil penalty will be waived five years after the execution of this Consent Order, provided you comply with its terms and have not committed any further violations of Building Code Division's statutes and rules.
7. You have read and fully understand the terms of this Consent Order, freely and voluntarily consent to the entry of this Order without further hearing, without any force or duress, and expressly waive all rights to hearing or appeal in this matter.

contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

- 1 8. You understand that, upon signature of all parties, this Consent Order will be a FINAL ORDER.
- 2 9. You understand once this Settlement Agreement and Consent Order becomes a FINAL
- 3 ORDER it becomes a public document.
- 4 10. You further agree by signing this Settlement Agreement and Consent Order that you are the
- 5 respondent and/or authorized representative for the respondent in this matter.
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7 **FOR THE RESPONDENT**

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9 Clay Pruitt Jr.
Clay Pruitt Jr.

Date: 7-26-2013

13 **FOR THE PLUMBING BOARD**

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15 Andrea Simmons for
16 Chairman
17 Plumbing Board
18 State of Oregon

Date: 7-31-13